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**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

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THOMAS WAYNE FLORENCE,	§	
	§	
Plaintiff,	§	
	§	
<i>versus</i>	§	CIVIL ACTION NO. 1:08-CV-258
	§	
CORNELL, INC., <i>et al.</i> ,	§	
	§	
Defendants.	§	

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff Thomas Wayne Florence, a former prisoner, proceeding *pro se*, brought this civil rights action pursuant to 42 U.S.C. § 1983 against Cornell, Inc., Lisa Gray, Charlette Wilson, the Texas Board of Pardons and Paroles, and the Austin Board of Pardons and Paroles. Plaintiff seeks leave to proceed *in forma pauperis*.

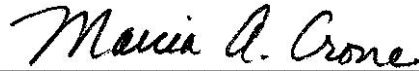
The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends denying plaintiff's motion to proceed *in forma pauperis*, and dismissing the case without prejudice pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 4th day of December, 2009.

A handwritten signature in cursive script, reading "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE